

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L188 50065 LA VINA RESTAURANT AND BANQUET
CENTER
for LIQ ON-SALE A W/SS SERIES 2000

Held by:
LA VINA INC
ATTN: LUIS ANGEL PAUCAR
3010 4TH AVE S
MINNEAPOLIS, MN 55408

08-0661204

This matter came before a License Settlement Conference on Tuesday, September 30, 2008. Appearing for the City were Deputy Director Ricardo Cervantes, Lead Inspector Julie Casey and District Supervisor Pat Hilden. Appearing for La Vina, Inc were Luis Paucar and business manager Jeffrey Fortson. Based on the evidence presented at the hearing, the department makes the following findings of fact.

FINDINGS OF FACT

1. On June 27, 2008, a violation notice was sent concerning an event posted in front of the business posting a \$20 cover charge. The business license conditions prohibited ticket sales at the door.
2. On July 4, 2008, a violation notice was sent for violating the business license conditions concerning allowing the banquet center to be used for events the general public could attend. Mr. Paucar admitted that an event was staged in the banquet center without a rental agreement. Specifically, a DJ was hired to provide music for the general public.
3. On August 30, 2008, a violation notice was sent for violating the business license conditions concerning allowing the banquet center to be used for events the general public could attend. A sign indicated that music was being providing for the general public free of charge. An inspection found that the banquet center was being used for a general public event in violation of their license conditions.

4. In July 2008, the license division was notified that a new general manager was hired. Applications were sent to the business and were never returned. Minneapolis ordinance 362.120(o) requires that the name and address of every person who shall have charge, management or control of the place licensed shall be included on the application.

CONCLUSIONS

1. La Vina, Inc failed to comply with the business license conditions that prohibits charging a cover charge for the banquet center.
2. La Vina, Inc failed to comply with the business license conditions that prohibits holding events for the general public.
3. La Vina, Inc violated Minneapolis Code of Ordinance 362.120(o) by failing to filing a new manager application in a timely manner.

RECOMMENDATIONS

1. La Vina, Inc. is assessed a sanction in the amount of \$1000 for failing to comply with business license conditions and Minneapolis Code of Ordinances. \$500 of the sanction will be stayed for a two year period pending no same or similar violations of the business license conditions or Minneapolis Code of Ordinances. The remaining \$500 sanction must be paid upon signature of this agreement.
2. La Vina, Inc will submit the new manager application by October 31, 2008.
3. Mr. Luis Paucar will attend an alcohol training program specifically set up for an owner or manager of the business. The course must be completed by December 31, 2008 and proof of attendance presented to the license division.

La Vina, Inc. understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

LA VINA REST

By: [Signature]

(signature)

Its: OWNER

(title)

Dated: 20/OCT, 2008

For the City of Minneapolis:

[Signature]

Ricardo Cervantes

Deputy Director of Licenses

Dated: 10/21, 2008